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1981 session

SUMMARY RECORD OF THE 53rd MEETING

Held at Headquarters, New York,
on Wednesday, 4 March 1981, at 3 p.m.

Chairman: Mr. GONZALEZ GALVEZ (Mexico)

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The meeting was called to order at 3.40 p.m.

ORGANIZATION OF WORK

1. The CHAIRMAN reported that the consultations on whether or not to admit observers to the Committee meetings had so far achieved no positive results although most delegations had supported his view that, taking into account the mandate of the Committee which related to the whole functioning of the Organization, the Committee should be open-ended. However, in the light of the difficulties that were encountered, he wished to make the following ruling: the Committee should allow observers from all States which requested such status to participate in its work; observers would be entitled to make statements in the plenary meetings of the Committee with the latter's prior authorization; negotiations would continue on the question of the participation of observers in the Working Group, but account should be taken of the fact that there was no provision or decision to the effect that the Working Group's meetings should be closed.

2. Turning to the question of the Repertory of Practice of United Nations Organs, he said that the Legal Counsel would be available later in the meeting to answer any further questions which delegations might have on the subject. The publication and updating of the Repertory was one of the most important elements in the Committee's work, and he invited delegations to express their views on it.

3. Mr. ECONOMIDES (Greece) reiterated his delegation's view that the Repertory was an extremely important source of information on United Nations law and practice. In its report to the General Assembly, the Committee could take note of the statement made at the preceding meeting by the representative of the Legal Counsel, but it might also attempt to go a little further. He believed that some possibilities had yet to be explored. For instance, the Committee might suggest to the Assembly that the Secretariat should report systematically to the Sixth Committee on all progress made with regard to the Repertory.

4. Mr. ZEHENTNER (Federal Republic of Germany) said his delegation shared the view that priority must be given to updating and reprinting the Repertory. He would like to seek further clarification from the Secretariat on a number of points. For instance, he wished to know why the work on Supplement No. 5 was not proceeding as quickly as it should. The representative of the Legal Counsel had reported that only 19 out of 121 draft studies had been received by the end of December 1980 and that an interdepartmental committee was to review the situation. He wondered what could be done to remedy that delay. Mention had also been made of various factors which had considerably delayed the publication of Supplement No. 4: he would like to know what those factors were. Lastly, he wished to know why Supplement No. 3, which had been produced in English in 1971-1973, was still not available in French and Spanish.

5. Mr. ELARABY (Egypt) endorsed the comments made by the representative of the Federal Republic of Germany. It was vital that the Repertory should be updated if it was to have any kind of continuity, and he hoped that it would be available in all the official languages.

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6. Mr. ROSENSTOCK (United States of America) observed that the Secretariat's response to the questions just raised by the Federal Republic of Germany would be critical to the Committee's future work, and he hoped that the Legal Counsel would be able to respond at the present meeting.

7. Mr. BROMS (Finland) felt that, once the Committee had been informed that work was progressing on the Repertory, it could not do much more than request those responsible to expedite their work. A repertory of that kind would always be several years out of date by the time it was published, unless the system of compilation was changed. The Committee might therefore propose to the Office of Legal Affairs that, in future, new material should be collected and classified on a continuous basis so that it was ready for publication at regular intervals. If five or six years were allowed to elapse before work resumed on each supplement, there would always be delays.

8. Mr. MUSEUX (France) endorsed the comments made by previous speakers.

9. Mr. VIÑAL (Spain) reiterated his delegation's concern at the considerable delay in producing the Repertory, particularly in Spanish, and said he trusted that the publication dates given at the preceding meeting would be observed, or even brought forward.

10. Mr. CHEBELEU (Romania) said that, while he believed that the updating of the Repertory was extremely important, there were more useful ways for the Committee to use the limited time available to it than in discussing the question. The Committee had been entrusted with very specific tasks by the General Assembly, and those tasks did not include taking action on the Repertory.

11. The CHAIRMAN observed that publication of the Repertory was one of the most effective means for rationalizing the procedures of the United Nations.

12. He suggested that the meeting should be suspended until the Legal Counsel was present to answer the questions raised by various delegations. In the meantime, the Committee could meet as the Working Group in order to continue its consideration of the questions referred to it.

The meeting was suspended at 4.05 p.m. and resumed at 5.05 p.m.

13. Mr. SUY (Under-Secretary-General, the Legal Counsel), replying to the question from the representative of the Federal Republic of Germany about what could be done to remedy the delay in publication of the next supplement to the Repertory, said that preparation of the Repertory was residual in nature. The departments concerned submitted drafts to the Office of Legal Affairs, and the language services involved translated the final English version into their respective languages. Giving higher priority to the publication of the Repertory would entail the allocation of greater resources on the basis of a decision by the General Assembly. With the resources currently available, the Repertory could only be produced very slowly.

(Mr. Suy)

14. With respect to the second question put by the representative of the Federal Republic of Germany, concerning the various factors causing the delay in the publication of Supplement No. 4, he said that until 1970 the Office of Legal Affairs had been equipped with a special unit to co-ordinate and edit the Repertory. The dissolution of the special unit had considerably slowed down work on Supplement No. 4. With the resources now available, it was not possible to work at a faster rate.

15. As to why Supplement No. 3 had not yet appeared in French and Spanish, he said that the translation of the Repertory into those languages had been delayed because of the ever-increasing burden of other documentation in the 1970s. Eventually, arrangements had had to be made for translation of the Repertory by outside translators, using funds saved from other publications.

16. The representative of Egypt had expressed the hope that the supplements could be issued in all the official languages. The Repertory had always been prepared in English and then translated into French and Spanish; if it was to be translated into additional languages, the General Assembly would have to appropriate more money for that purpose. Of course, if such a new policy was to be applied retroactively, some 16 volumes with indexes would have to be translated and the cost would be enormous.

17. The representative of Finland had suggested that the Secretariat might collect and classify new material on a continuous basis and that such material should be published at regular intervals. That would be feasible but would require a special unit to monitor the practice of United Nations organs on an ongoing basis.

18. Replying to the representative of Spain concerning the delay in issuing the Spanish version of the Repertory, he said that volume I of Supplement No. 3 would appear in Spanish in 1981 and volumes II, III and IV in 1982. The translation of volume I of Supplement No. 4 would be requested as soon as it was published in English, and the translation of volume II would be requested in 1982. When the translations could be provided would, of course, depend on the language services of the Secretariat.

19. Mr. ROSENSTOCK (United States of America) said that apparently, at or about the time when the special unit in the Office of Legal Affairs responsible for the Repertory had been disbanded, a new post had been requested for work on the Repertory and had in fact been established by the General Assembly. His delegation had understood that to be the reason for the Assembly's refusal, at its thirty-fifth session, to approve the request for an additional post for the Office of Legal Affairs. It would not, therefore, seem necessary to expand the staff very greatly in order somewhat to expedite the timely production of the Repertory, and the idea suggested by the representative of Finland might not be too unfeasible. If material was kept current, it should not take very much time to put it in final form. He asked whether the Advisory Committee on Administrative and Budgetary Questions had been correct in asserting that a post had already been approved for work on the Repertory.

20. Mr. BROMS (Finland) observed that the Legal Counsel had painted a rather gloomy picture. He was surprised at how long it took to translate into Spanish, for example, texts that for the most part certainly existed in that language. Under normal conditions, two months would seem ample time for the translation of a supplement to the Repertory.

21. While it might in fact prove necessary, as the Legal Counsel had stated, to establish an additional unit for work on the Repertory, the suggestion he had made earlier would not entail a doubling of the workload. Gathering information on a continuous basis would make the final preparation of supplements to the Repertory much easier.

22. It was to be hoped that, if the translation of the supplements could not be done by the Secretariat language services in good time, consideration would be given to the possibility of having the work performed by outside translators. He was sure that the cost would not be prohibitive.

23. Mr. VIÑAL (Spain) said that the delay in issuing the Spanish version of the supplements had less to do with the need for additional staff to compile the supplements than with the general problem of the staffing level of the Spanish Translation Service. The time had come to strengthen the Spanish Service so that it could cope with the ever-increasing workload of translation, and his delegation intended to raise that matter in the appropriate forum.

24. Mr. PIRIS (France) said that he too was surprised at the time required to translate a publication which was, for the most part, based on texts already available in the various official languages of the United Nations. He asked when the French version of the most recent supplement would be available and when it might become possible for the French version of supplements to be issued at the same time as the English.

25. Mr. ELARABY (Egypt) explained that, when he had referred to the translation of supplements to the Repertory into all the official languages, he had been thinking of the future. The matter was, of course, for the Fifth Committee to consider.

26. Mr. OSAH (Nigeria) said that it was difficult to reconcile the Legal Counsel's statement that preparation of the Repertory was a residual operation with the need for the establishment of a special unit. He asked why, if work on the Repertory was a residual operation, it had been necessary to establish a special unit in 1970 and whether, in view of the subsequent disbanding of the unit, it was necessary now to establish a new unit. In view of the interest shown by several delegations in the preparation of the Repertory, it would seem that some Member States did not regard it as a residual operation and adequate financing should be provided for that purpose.

27. Mr. ANDERSON (United Kingdom) observed that, if preparation of the supplements to the Repertory was a purely residual operation in all sections of the Secretariat, there was a risk that it would gradually come to be overlooked by

(Mr. Anderson, United Kingdom)

everyone. There was a need in any bureaucracy for someone to oversee a project. It was to be hoped that a way could be found within the existing appropriation to accelerate the production of the supplements to the Repertory: otherwise, they would fall so far behind as to lose all value.

28. Mr. ZEHENTNER (Federal Republic of Germany) said that the picture painted by the Legal Counsel was not encouraging. Delays in issuing the supplements to the Repertory were likely to impair their value. While understanding the administrative and budgetary constraints which existed, he believed that with additional efforts on the part of the Secretariat it should be possible to improve the situation without requiring additional resources. The idea put forward by the representative of Finland might be helpful in that connexion.

29. Mr. FERRARI BRAVO (Italy) asked what percentage of material appearing in the Repertory actually needed to be translated. He would have thought that much of the material already existed in the languages into which the Repertory was translated and that no more than 50 per cent was new.

30. Ideally, the practice of United Nations organs should be monitored as it evolved and the material gathered should be maintained in files. In that way, most of the work of compiling the supplements to the Repertory would be done in advance. It would be extremely useful to delegations if such files could be placed in the Legal Library, where they could be consulted pending the publication of the printed volume.

31. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that he looked forward to the progress report on the preparation and publication of the supplements to the Repertoire of the Practice of the Security Council and the Repertory which the Secretary-General had been requested to submit to the General Assembly at its thirty-sixth session. The Secretariat should redouble its efforts to issue the two publications more promptly, within the available resources, by redeploying staff and eliminating programmes that were obsolete or of lower priority.

32. Mr. VERCELES (Philippines) said that the preparation of supplements to the Repertoire and the Repertory should not be regarded as a residual operation, especially since the General Assembly, in its resolution 35/164, had requested the Secretary-General to give high priority to those publications. The paucity of resources available for preparation of the supplements was not the fault of the Secretary-General, but rather of the General Assembly. In that connexion, the Committee might recommend that the question of resources for the preparation of the two publications should be reviewed at the thirty-sixth session.

33. Mr. SUY (Under-Secretary-General, the Legal Counsel) suggested that, in view of the number of questions to which his statement had given rise and the lateness of the hour, he should reply to them at a subsequent meeting.

34. It was so decided.

The meeting rose at 5.50 p.m.